

TC-34-46

Ident. No. TC 3417

2004

7/92

RECEIVED

JUN-02 2004

DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(To change point of diversion, place of use or purpose of use)

Name of applicant

Mountain Springs Ranch, LLC

Phone

589-3110588-3110

Post Office address

5550 Barton Flat Rd. Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) therefor

temporary transfer from
pasture to Alfalfa

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority | Amount | Nature | Period of Use |
|-----------------|-------------------|----------------|-------------------|---------------------------------|
| <u>34-535</u> | <u>05-01-1885</u> | <u>1.6 CFS</u> | <u>Irrigation</u> | <u>05-01</u> to <u>10-15-04</u> |
| <u>34-10587</u> | <u>05-01-1905</u> | <u>1.6 CFS</u> | <u>Irrigation</u> | <u>05-01</u> to <u>10-15-04</u> |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred 3.2 cubic feet/second and/or _____ acre-feet per annum.3. Source of water: Big Lost River tributary to SINKS

4. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NE | SW | NW | 15 | 8N | 21E | Custer | |
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5. Lands irrigated or Place(s) of Use:

| TWP | RGE | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 8N | 22E | 14 | | | | | | | | | 40 | 33 | | | | | | | 82 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres 82

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6. General Information:

- a. Who owns the water right to be changed? Lita West
- b. Describe the arrangement allowing use of the right Contract
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
dry-up pasture
- d. Has the water right sought to be transferred been used this year? NO If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? will not be used
- f. Describe other water rights used for the same purpose.
- g. Remarks: Repeal of TC-34- from 2003, 2002, 2001

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Lita West
Lita West

X Shane Rasmussen for
(Signature of applicant) MSR

FOR DEPARTMENT USE ONLY

Received by KW Date 6/2/04 Fee \$50
 Recelpted KW # E029907 Recommend: ☒ approve ☐ deny
 Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-46
 And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 14 day of June 2004

[Signature]

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-535 & 34-10587)
Mountain Springs Ranch LLC)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-46

WHEREAS, a drought emergency has been declared for Custer County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on June 2, 2004, Mountain Springs Ranch % Shane Rosenkranz submitted the attached Temporary Change Application TC-34-46 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

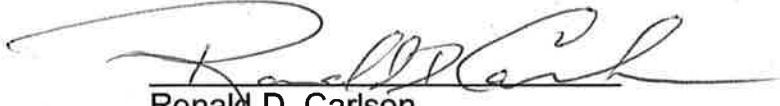
1. Diversion and use of right no(s). 34-535 & 34-10587 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

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5. Right(s) 34-535 & 34-10587 are limited to the irrigation of a total of 82 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 14th day of June, 2004.


Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-535 / 34-10587

Transfer Applicant's Name: Mountain Springs Ranch

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 10th, day of June, 2004

Water District No: 34


Watermaster's Signature

TC-34-46

06/02/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-535

WATER RIGHT NUMBER: 34-535

| | |
|-------------------|--|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | LITA WEST PO BOX 867 BELLEVUE, ID 83313 (208)823-4700 |

Priority Date: 05/01/1885

Basis: Decreed

Status: Active

| | |
|----------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| BIG LOST RIVER | SINKS |

| | | | | |
|-----------------------|-------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | 5/01 | 10/15 | 1.600 CFS | |

Total Diversion: 1.600 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NE1/4SW1/4NW1/4 Sec. 15,Twp 08N,Rge 21E, B.M. CUSTER County

| Place of Use | | | IRRIGATION | | | | | | | | | | | | | | | | Totals |
|--------------|-----|-----|------------|----|------|----|------|----|----|------|----|----|----|----|-----|------|----|------|--------|
| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08N | 22E | 17 | | | 12.0 | | 27.0 | | | 19.0 | | | | | 1.0 | 23.0 | | 82.0 | |

Total Acres: 82

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00048 AND 34-10587. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- Explanatory WATER IS DELIVERED THROUGH NEILSEN DITCH.

Comments:

1DCARLSON 10/1/1996 COPIED FROM REMARKS

Comment: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.28 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 205 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00048, 34-10587 0.85 CFS OF RIGHT NO. 34-10587 & 0.08 CFS OF RIGHT NO. 34-00048 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

Dates and Other Information:

Decreed Date: 12/14/2001
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

| | | |
|-------------|---------------|--------------|
| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
| | | 82 |

Combined Water Rights: 34-48 , 34-535

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-10587 V1

TC-34-46

WATER RIGHT NUMBER: 34-10587 V1

Owner Type Name and Address
 Current Owner LITA WEST
 PO BOX 867
 BELLEVUE, ID 83313
 (208)823-4700

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

Source Tributary
 BIG LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 1.600 CFS

Total Diversion: 1.600 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NE1/4SW1/4NW1/4Sec. 15,Twp 08N,Rge 21E, B.M. CUSTER County

Place of Use IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|------|----|----|----|------|----|----|----|------|----|----|-----|------|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08N | 22E | 17 | | | 12.0 | | | | 27.0 | | | | 19.0 | | | 1.0 | 23.0 | | 82.0 |

Total Acres: 82

Remarks:

1. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00047 AND 34-00536. WATER IS DELIVERED THROUGH NEILSEN DITCH.
2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
 - Irrigation OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-00535 AND 34-00048.

Comments:

1. DCARLSON 10/1/1996 COPIED FROM REMARKS

Comment: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.28 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 205 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00535, 34-00048 0.85 CFS OF THIS RIGHT AND 0.08 CFS OF RIGHT NO. 34-00048 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

Dates and Other Information:

Decreed Date: 12/14/2001
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: OR

Combined Use Limits:

Rate Volume Acres
 82

Combined Water Rights: 34-48 , 34-535 , 34-10587

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34-145

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